

Entered - 09/02/04 - sb  
CL04L0573 - DIANNE C. MITCHELL

CLAIM OF: **TIJUANA MALCOLM**,  
through her attorney,  
**Anton L. Rowe**  
747 Lauren Parkway  
Stone Mountain, Georgia 30083

**04-R-1593**

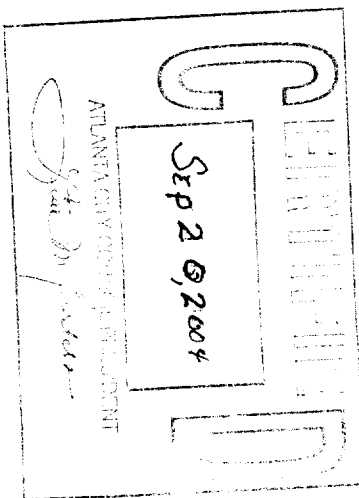
**ADOPTED BY**  
**SEP 20 2004**  
**COUNCIL**

For damages alleged to have been sustained as a result of  
wrongfully releases claimant's vehicle for sale on August 9,  
2004 at Buckhead Towing.

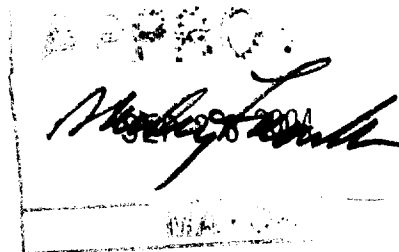
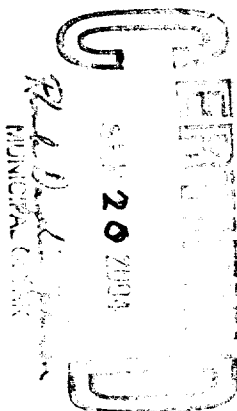
BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that  
the action of the Department of Law be approved in authorizing  
payment to **TIJUANA MALCOLM**, through her attorney,  
**Anton L. Rowe** the sum of **\$1,000.00** in full settlement and  
satisfaction of all claims, past, present and future, of every kind  
and character for damages alleged to have been sustained as a  
result of wrongfully releases claimant's vehicle for sale on  
August 9, 2004 at Buckhead Towing as is more particularly  
set forth in the within claim; said sum taken from and charged  
to account 1A01/529017/T31001, Settlement of Suits and  
Claims, Department of Law.

APPROVED: **LINDA K. DISANTIS**  
CITY ATTORNEY



BY: *Jerry L. DeLoach*  
**JERRY L. DELOACH**  
DEPUTY CITY ATTORNEY



## FAVORABLE REPORT

**PUBLIC SAFETY &**

**LEGAL ADMINISTRATION COMMITTEE**

DATE: 9/14/04

CHAIR: P. A. Smith

W. Smith

David Briscoe

John H. Henshaw

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**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**04-R-1593**

**A RESOLUTION**

**BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Tijuana Malcolm, through her attorney, Anton L. Rowe** in the sum of **\$1,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as **a result of wrongfully releases claimant's vehicle for sale on August 9, 2004 at Buckhead Towing** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

SEP 20, 2004  
SEP 28, 2004

# DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0087

Date: September 2, 2004

Claimant /Victim TIJUANA MALCOLM  
BY: (Atty) Anton L Rowe  
Address: 747 Lauren Parkway, Stone Mountain, Georgia 30083  
Subrogation: Claim for Property damage \$ 1,200.00 Bodily Injury \$             
Date of Notice: 09/02/04 Method: Written, proper X Improper             
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 08/09/04 Place: Buckhead Towing  
Department Police Bureau:             
Employee involved            Disciplinary Action:           

NATURE OF CLAIM: The claimant alleges her vehicle impounded by police due to a false accusation made by the previous owner was later sold at auction. The investigating officer had placed a hold on the vehicle but due to a clerical error, the vehicle sold was at auction without notification to her.

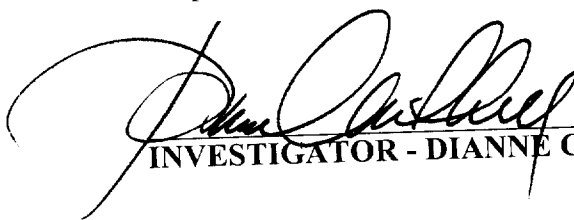
## INVESTIGATION:

Statements: City employee            Claimant            Others            Written            Oral             
Pictures            Diagrams            Reports: Police            Dept Report            Other             
Traffic citations issued: City Driver            Claimant Driver             
Citation disposition: City Driver            Claimant Driver           

## BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial             
Improper Notice            More than Six Months            Other            Damages reasonable             
City not involved            Offer rejected            Compromise settlement X  
Repair/replacement by Ins. Co.            Repair/replacement by City Forces             
Claimant Negligent            City Negligent X Joint            Claim Abandoned           

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

## RECOMMENDATION:

Pay \$ 1,000.00 Adverse            Account charged: 1A01 X 2J01            2H01            2P01             
Claims Manager:            Concur/date 9/12/04  
Committee Action:            Council Action

RCS# 6041  
9/20/04  
2:47 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-16 EXCEPT:04-O-1442,  
04-R-1581, 04-O-1470  
ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

		9-20-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSE ON CONSENT
1. 04-O-1500	41. 04-R-1575	62. 04-R-1608
2. 04-O-1501	42. 04-R-1576	63. 04-R-1609
3. 04-O-1502	43. 04-R-1578	64. 04-R-1610
4. 04-O-1503	44. 04-R-1579	65. 04-R-1611
5. 04-O-1504	45. 04-R-1633	66. 04-R-1612
6. 04-O-1505	46. 04-R-1653	67. 04-R-1614
7. 04-O-1631	47. 04-R-1593	68. 04-R-1615
8. 04-O-1508	48. 04-R-1594	
9. 04-O-1513	49. 04-R-1595	
10. 04-O-0165	50. 04-R-1596	
11. 04-O-1253	51. 04-R-1597	
12. 04-O-1255	52. 04-R-1598	
13. 04-O-1256	53. 04-R-1599	
14. 04-O-1259	54. 04-R-1600	
15. 04-O-1431	55. 04-R-1601	
16. 04-O-1442	56. 04-R-1602	
17. 04-O-1479	57. 04-R-1603	
18. 04-O-1480	58. 04-R-1604	
19. 04-O-1551	59. 04-R-1605	
20. 04-O-1552	60. 04-R-1606	
21. 04-O-1554	61. 04-R-1607	
22. 04-O-1625		
23. 04-O-1627		
24. 04-O-0770		
25. 04-R-1566		
26. 04-R-1568		
27. 04-R-1569		
28. 04-R-1630		
29. 04-R-1635		
30. 04-R-1650		
31. 04-R-1571		
32. 04-R-1632		
33. 04-R-1590		
34. 04-R-1616		
35. 04-R-1580		
36. 04-R-1581		
37. 04-R-1583		
38. 04-R-1584		
39. 04-R-1585		
40. 04-R-1574		